DRAFT
ENVIRONMENTAL ASSESSMENT

BLACKTAIL MEADOWS
FISHING ACCESS SITE
PROPOSED EASEMENT AND ACQUISITION

March 2018

Montana Fish, Wildlife & Parks

Blacktail Meadows Fishing Access Site
Proposed Easement and Acquisition
Draft Environmental Assessment
MEPA, NEPA, MCA 23-1-110 CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

1. Type of proposed state action:

Montana Fish, Wildlife & Parks (FWP) proposes to grant a road easement through Blacktail Meadows Fishing Access Site (FAS) to provide access to adjacent private property located on the west side of Blacktail Deer Creek. In exchange for the road easement, the private landowner proposes to donate approximately 1.15 acres in fee title along Blacktail Deer Creek to FWP to provide additional legal access to the Creek from Blacktail Meadows FAS. FWP would gain 50,094 square feet of land, which includes an additional 465 feet of Blacktail Deer Creek frontage. In exchange, FWP would grant a road easement of approximately 11,326 square feet. The adjacent private landowner would construct an access road and bridge over the creek on the easement to access the adjacent 25 acres of private land.

2. Agency authority for the Proposed Action:

The 1977 Montana Legislature enacted Section 87-1-605, Montana Code Annotated (MCA), which directs Montana Fish Wildlife and Parks (FWP) to acquire, develop and operate a system of fishing accesses. The legislature earmarked a funding account to ensure that the fishing access site program would be implemented. Section 87-1-303, MCA, authorizes the collection fees and charges for the use of fishing access sites, and contains rule-making authority for their use, occupancy, and protection. Furthermore, Section 23-1-110, MCA, and Administrative Rules of Montana (ARM) 12.2.433 guides public involvement and comment for the improvements at state parks and fishing access sites, which this document provides.

ARM 12.8.602 requires the Department to consider the wishes of the public, the capacity of the site for development, environmental impacts, long-range maintenance, protection of natural features and impacts on tourism as these elements relate to development or improvement to fishing access sites or state parks. This document will illuminate the facets of the Proposed Action in relation to this rule. See Appendix A for HB 495 qualification.

3. Name of project:

Blacktail Meadows Fishing Access Site Proposed Easement and Acquisition

4. Project sponsor:

Montana Fish, Wildlife and Parks, Region 3
1400 South 19th Avenue
Bozeman, MT 59718
(406) 994-4042

5. Anticipated Schedule:

Estimated Public Comment Period: March 2018
Estimated Decision Notice: April 2018

Commission Approval Requested to Proceed: April 2018
Estimated Commencement Date: Summer 2018
Estimated Completion Date: Fall 2018
Current Status of Project Design (% complete): 35%

6. Location:

Blacktail Meadows FAS is located on Blacktail Deer Creek along Swenson Way off the Interstate 90 Interchange on the north end of Dillon, Montana, approximately .5 mile from downstown Dillon in Beaverhead County, W1/2 Section 18, Township 7 South, Range 8 West (Figures 1 and 2).

Figure 1. General Location of Blacktail Meadows FAS

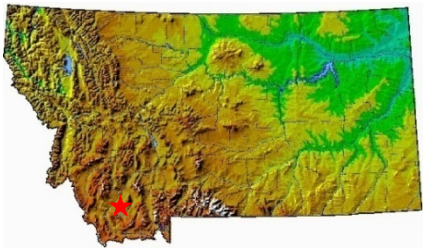


Figure 2. Area Location of Blacktail Meadows FAS

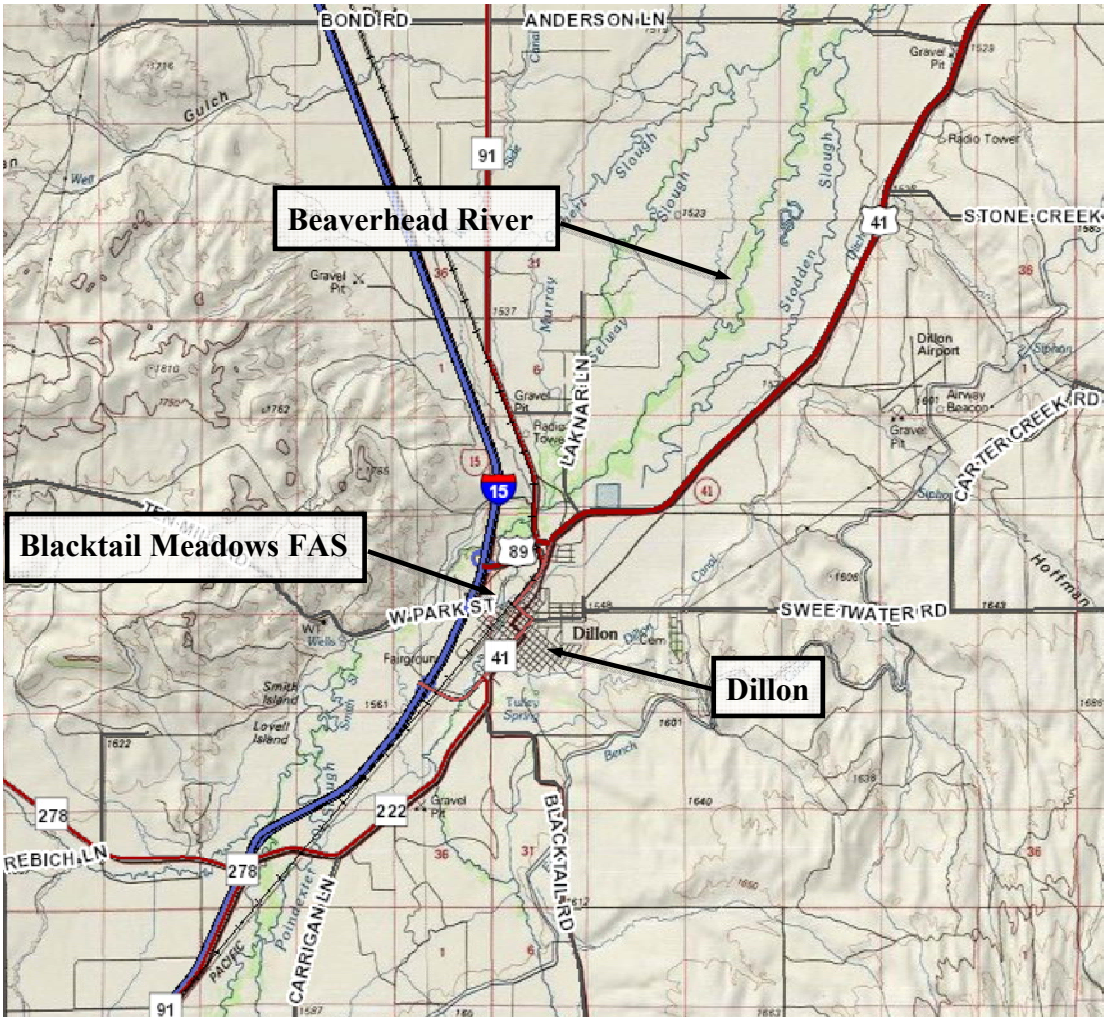


Figure 3. Blacktail Meadows FAS Parcel Map, Aerial View

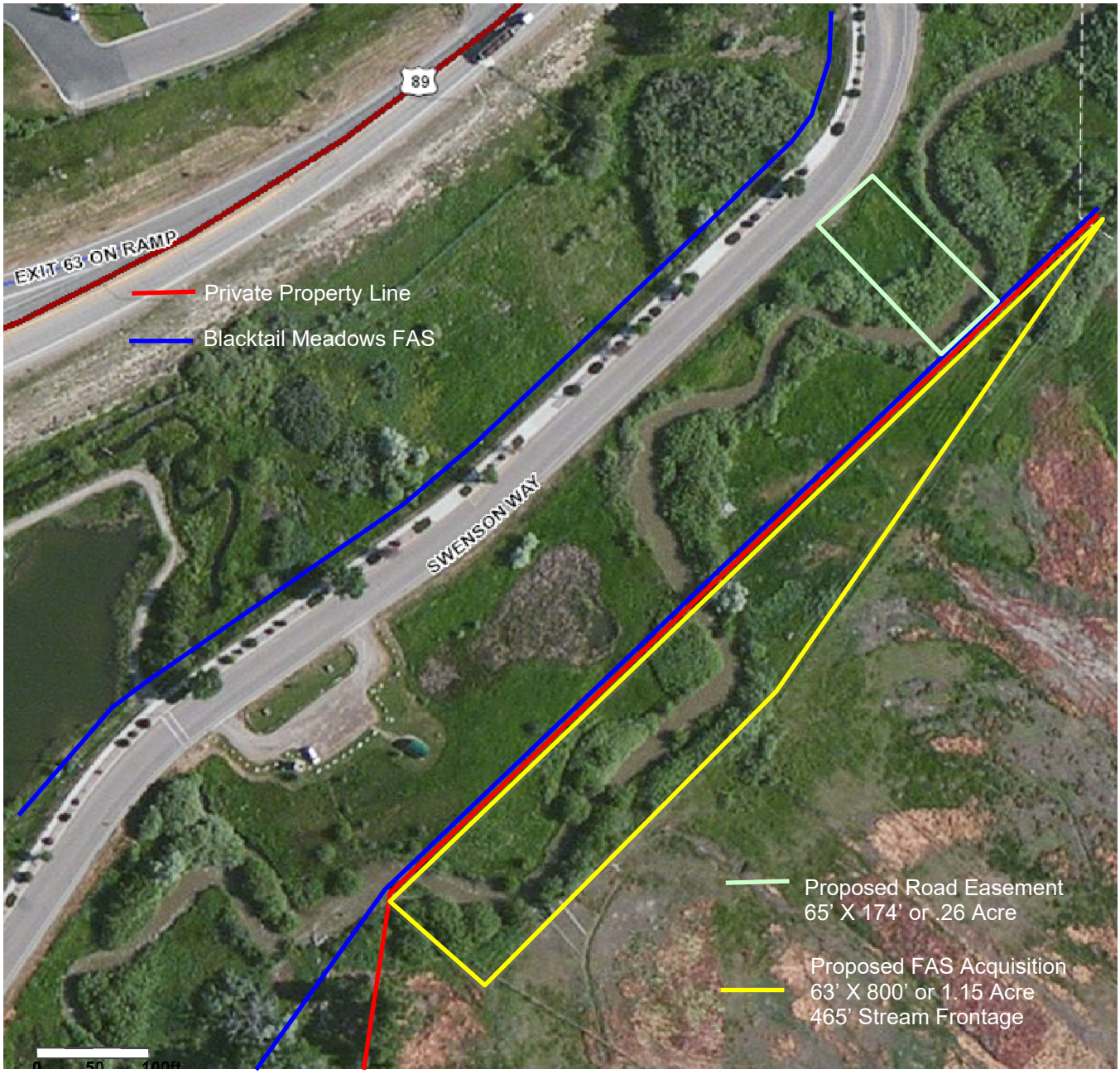
7. Project size -- estimate the number of acres that would be directly affected that are currently:

	Acres		Acres
(a) Developed:		(d) Floodplain	0
Residential	0		
Industrial	0	(e) Productive:	
		Irrigated cropland	0
(b) Open Space/		Dry cropland	0
Woodlands/Recreation		Forestry	0
(c) Wetlands/Riparian	2.0	Rangeland	0
Areas		Other	0

Photo 1. Proposed easement location on Blacktail Meadows FAS.

Photo 2. Blacktail Deer Creek on the proposed acquisition property.

Figure 4. Blacktail Meadows FAS Preliminary Concept Site Plan



8. Permits, Funding & Overlapping Jurisdiction.

(a) Permits: Permits would be filed at least 2 weeks prior to project start.

Agency Name	Permits
Montana Dept. of Environmental Quality	318 Short Term Water Quality Standard for Turbidity
Montana Fish, Wildlife & Parks	124 Montana Stream Protection Act
Beaverhead County	Floodplain Permit and Sanitation Permit
US Corps of Engineers	404 Federal Clean Water Act

(b) Funding:

Agency Name	Funding Amount
No FWP funding required	
Appraised value of FWP .26-acre easement property (FWP retains ownership of the .26-acre parcel)	$58,700
Appraised value of private 1.15-acre donation in fee title to FWP	$71,600

(c) Other Overlapping or Additional Jurisdictional Responsibilities:

Agency Name	Type of Responsibility
Natural Heritage Program	Species of Concern *(Appendix B)*
State Historic Preservation Office	Cultural Clearance
Beaverhead County Weed District	Weed Management Coordination

9. Narrative summary of the proposed action:

Blacktail Deer Creek, a tributary to the Beaverhead River, originates in the Snowcrest Range in the Beaverhead National Forest in southern Beaverhead County near the Montana-Idaho border. It flows northwest through Montana for 38 miles before joining the Beaverhead River near Dillon. On August 7, 1863, a group of 28 prospectors ventured from the mouth of Blacktail Deer Creek to prospect for gold in the upper Snake River in the Idaho Territory. The captain of the expedition, Walter W. de Lacy, later produced the first map of the Montana Territory in 1865 based in part from observations he made during this expedition.

Blacktail Deer Creek is fed by numerous springs draining the Snowcrest Range in the southwest area of the Beaverhead National Forest. Blacktail Meadows FAS is located on Blacktail Deer Creek one mile from the mouth and is the only FAS managed by FWP along Blacktail Deer Creek (Figure 3). The entire Blacktail Deer Creek and its tributaries are open to angling year round as outlined in the Montana 2017 Fishing Regulations. According to FWP surveys, the average angler days per year from 2005 to 2011 on the 38-mile stretch from the mouth (river mile 0) to the headwaters (river mile 38) was 1,131, with a low of 847 in 2011 and a high of 1,324 in 2009. The regional ranking for this stretch of river averaged the 50th most fished body of water, and the state ranking for this stretch averaged the 256th most fished body of water in Montana out of more than 1,400 stream reaches, lakes, and reservoirs in Montana surveyed annually by FWP. Because Blacktail Meadows FAS is located conveniently close to the city center of Dillon and to an Interstate 15 off-ramp, it receives significant use from the local community and travelers on Interstate 15.

FWP proposes to grant a road easement through Blacktail Meadows FAS to provide access to adjacent private property located on the east side of Blacktail Deer Creek (Photo 1). In exchange for the road easement, the private landowners propose to donate approximately 1.15 acres in fee title along Blacktail Deer Creek to FWP to provide additional legal access to the Blacktail Deer Creek from Blacktail Meadows FAS (Photo 2). FWP would gain 50,094 square feet of land which includes an additional 465 feet of Blacktail Deer Creek frontage. In exchange, FWP would grant a road easement of approximately 11,325 square feet. The adjacent private landowner would construct an access road and bridge over the creek on the easement to access the adjacent 25 acres (Figure 4).

The property would continue to be managed under existing FWP public use regulations. Management of the FAS would include routine maintenance, control of vehicles and

firearms, and other accepted FWP recreation area management policies. Protection of the natural resources, the health and safety of visitors, and consideration of neighboring properties would all be considered and incorporated into development plans for this site. The FAS is open for day use only, and no overnight camping is allowed on the site. Hunting and the discharge of weapons is prohibited. The acquisition of an additional 1.15 acres along Blacktail Deer Creek would provide additional public access to Blacktail Deer Creek for fishing and floating and provide additional recreational opportunities for hiking, dog walking, picnicking, and wildlife viewing.

10. Description and analysis of reasonable alternatives:

Alternative A: No Action.

If no action was taken and the 1.15-acre parcel was not acquired, recreational access to this stretch of Blacktail Deer Creek from Blacktail Meadows FAS would continue to be limited. The public would continue to access the creek at portions of the creek or trespass onto private property. In addition, if the 1.15-acre parcel was not acquired, this stretch of Blacktail Deer Creek would not be permanently protected and could be developed and access could be restricted by the private landowner. Recreational opportunities for floating, picnicking, wildlife viewing, and walking along the creek would also continue to be limited.

Alternative B: Proposed Action.

FWP proposes to grant a road easement through Blacktail Meadows FAS to provide access to adjacent private property located on the west side of Blacktail Deer Creek. In exchange for the road easement, the private landowners propose to donate approximately 1.15 acres in fee title along Blacktail Deer Creek to FWP to provide additional legal access to the Blacktail Deer Creek from Blacktail Meadows FAS. FWP would gain 50,094 square feet of land which includes an additional 465 feet of Blacktail Deer Creek frontage. In exchange, FWP would grant a road easement of approximately 11,325 square feet. The adjacent private landowner would construct an access road and bridge over the creek on the easement to access the adjacent 25 acres.

11. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:

FWP would require that the contractor employ Best Management Practices (BMP) *(Appendix D)* which are designed to reduce or eliminate sediment delivery to waterways during construction. FWP would review the final design and specifications for the Proposed Action.

PART II. ENVIRONMENTAL REVIEW CHECKLIST

Evaluation of the impacts of the Proposed Action including secondary and cumulative impacts on the Physical and Human Environment.

A. PHYSICAL ENVIRONMENT

1. LAND RESOURCES Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Soil instability or changes in geologic substructure?		X				1a.
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?			X		Yes	1b.
c. Destruction, covering or modification of any unique geologic or physical features?		X				1c.
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?			X		Yes	1d.
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				

1a. The Proposed Action would not affect existing soil patterns, structures, productivity, fertility, erosion, compaction, or instability. Soil and geologic substructure would remain stable during and after the proposed work.

1b. During construction, some minor modifications to the existing soil features would be required for construction of the bridge and access road. Disturbed areas would be seeded with a native seed mix to minimize erosion and sediment delivery to Blacktail Deer Creek and the spread of noxious weeds. The property is currently managed for wildlife habitat and is not in agricultural production. The Proposed Action would not affect soil productivity or fertility. FWP Best Management Practices (BMP) would be followed during all phases of construction to minimize erosion *(Appendix D).*

1c. No unique geologic or physical features would be altered by the Proposed Action.

1d. The proposed project would have minor impacts on the banks of Blacktail Deer Creek. Minor amounts of sediment may enter the creek during construction of the bridge and access road. However, upon completion, erosion and sedimentation to the creek would be improved.

2. AIR Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Emission of air pollutants or deterioration of ambient air quality? (Also see 13 (c).)			X		Yes	2a.
b. Creation of objectionable odors?		X				
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. For P-R/D-J projects, will the project result in any discharge, which will conflict with federal or state air quality regulations? (Also see 2a.)		X				2e.

2a. Dust may be temporarily generated during construction of the bridge and access road. If additional materials were needed off-site, loading at the source site would generate minor amounts of dust. The contractor would follow FWP BMP during all phases of construction to minimize risks and reduce dust. See *Appendix D* for the BMP. Diesel equipment would be used to implement the Proposed Action. There would be a temporary increase in diesel exhaust. If the Proposed Action were implemented, odors from diesel exhaust would dissipate rapidly. The impacts would be short term and minor.

2e. The proposed project would have no impact on air quality in the vicinity of Blacktail Meadows FAS and would not result in any discharge that could conflict with federal or state are quality regulations.

3. WATER Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?			X		Yes	3a.
b. Changes in drainage patterns or the rate and amount of surface runoff?			X		Yes	3b.
c. Alteration of the course or magnitude of floodwater or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?			X		Yes	3d.
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?			X		Yes	3h.
i. Effects on any existing water right or reservation?		X				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
l. For P-R/D-J, will the project affect a designated floodplain? (Also see 3c.)			X		Yes	3l.
m. For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a.)			X		Yes	3m.

3a. The proposed developments may cause a temporary, localized increase in turbidity in Blacktail Deer Creek. FWP would obtain a Montana Department of Environmental Quality (DEQ) 318 Authorization Permit for Short Term Water Quality Standard for Turbidity. The contractor would follow FWP BMP during construction *(Appendix D).*

3b. Construction of a bridge and access road may alter surface runoff. The Proposed Action would be designed to minimize any effect on surface water, surface runoff, and drainage patterns. The contractor would follow FWP BMP *(Appendix D).*

3d. There may be a minor, temporary increase of runoff during construction. The contractor would follow FWP BMP *(Appendix D).*

3h. The use of heavy equipment during construction may result in a slight risk of contamination from petroleum products and a temporary increase in sediment delivery to the creek. The contractor would follow FWP BMP during all phases of construction to minimize these risks *(Appendix D).*

3l. According to the Beaverhead County Floodplain Administrator, the proposed project site would be located within the designated 100-year floodplain, with a 1% annual chance of a flood hazard. The acquisition of the 1.15 acres of land, which would include 465 feet of stream frontage, would positively impact flood control and the recreational opportunities of the area.

Permits from FWP, Montana Department of Environmental Quality (DEQ), the US Army Corps of Engineers, and Beaverhead County will be obtained to insure the proposed project will follow federal, state, and county floodplain and water quality regulations.

3m. All impacts to water quality resulting from construction would be temporary.

4. VEGETATION **Will the proposed action result in?**	**IMPACT**					
	Unknown	**None**	**Minor**	**Potentially Significant**	**Can Impact Be Mitigated**	**Comment Index**
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?			X		Yes	4a.
b. Alteration of a plant community?		X				4b.
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				4c.
d. Reduction in acreage or productivity of any agricultural land?		X				4d.
e. Establishment or spread of noxious weeds?			X		Yes	4e.
f. For P-R/D-J, will the project affect wetlands, or prime and unique farmland?			X		Yes Positive	4f.
g. Other:						

4a. All disturbed areas would be reseeded to reduce erosion and weed establishment and to encourage the growth of native riparian plant communities. Construction of the access road and bridge would have minor impacts on the vegetation, and a minimal number of trees and shrubs would be removed during construction. Because the construction area is small and the site is previously disturbed, impacts from construction would be minor.

4b. The Proposed Action would not alter the composition of plant communities at the site. The primary ecological systems found on Blacktail Meadows FAS are *Rocky Mountain Lower Montane, Foothill, and Valley Grassland* and *Rocky Mountain Lower Montana-Foothill Riparian Woodland and Shrubland,* as defined by the Montana Natural Heritage Program (MNHP), and is dominated by narrowleaf cottonwood, Russian olive, and willow. Common native plant species found on the proposed project site include sandbar willow, peachleaf willow, silver buffaloberry, silverberry, snowberry, golden currant, smooth blue aster, American licorice, and various sedges.

Common introduced species found on the property include crack (yellow) willow, Russian olive, green ash, smooth brome, Kentucky bluegrass, tall wheatgrass, crested wheatgrass, meadow foxtail, cheatgrass, cattail, dandelion, and burdock. Isolated spotted knapweed,

Canada thistle, houndstongue, and curly dock plants were found on the site and invasive cheatgrass and Russian olive, classified as Regulated Species by the Montana Department of Agriculture, are common on the site.

4c. A search of the Montana Natural Heritage Program's (MNHP) Species of Concern database found no vascular or non-vascular Montana plant Species of Concern within the boundaries of Blacktail Meadows FAS.

4d. Livestock grazing is not allowed on the FAS, and no portion of the property is under agricultural production

4e. Isolated spotted knapweed, Canada thistle, and houndstongue plants, Noxious Weeds as designated by the Montana Department of Agriculture, and dense populations of invasive cheatgrass and Russian olive, Regulated Species, are found on the project site and throughout the FAS. In conjunction with the Beaverhead County Weed Department, FWP would implement the Statewide Integrated Weed Management Plan using chemical, biological, and mechanical methods to control weeds on the property. Weed management would also include the establishment of native vegetation to prevent the spread of weeds. Vehicles would be restricted to the parking area, bridge, and access road, which would be maintained as weed-free, and vehicles would not be allowed on undisturbed areas to minimize the spread of noxious weeds. Weed control costs for Blacktail Meadows FAS in 2018 would be approximately $1,500 which includes spraying by both FWP and Beaverhead County Weed Department.

4f. According to a search of the Natural Resource Conservation Service (NRCS) Web Soil Survey on September 20, 2017, most of the proposed project site is classified as Farmland of Local Importance. However, the site has not been under agricultural production for years so the proposed project would have no affect on agricultural productivity in the area.

A search of the MNHP Wetland and Riparian Mapping Program on September 20, 2017, and a site visit by FWP staff found that no wetland is located on the proposed easement site, including the approximate location of the proposed access road and bridge, though dense stands of riparian shrubs are located along the streambank. Because the site has been previously disturbed by road, highway, and railroad development, historic agricultural production, and the project area is small, the proposed project would have very little impact on the riparian vegetation found along Blacktail Deer Creek. A small, shallow pond dominated by cattails and various sedges is partially located on the proposed acquisition parcel. The proposed acquisition by FWP would positively impact this wetland by protecting it from possible future development.

5. FISH/WILDLIFE Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Deterioration of critical fish or wildlife habitat?		X				5a.
b. Changes in the diversity or abundance of game animals or bird species?		X				5b.
c. Changes in the diversity or abundance of nongame species?		X				5c.
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				5f.
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?		X				
h. For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f.)		X				5h.
i. For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d.)		X				5i.

5a. The proposed development of an access road and bridge to access the adjacent private land would be designed to minimize impacts to wildlife habitat. A minimal number of trees and shrubs would be removed for construction of the access road and bridge and efforts would be made to preserve all large healthy trees and snags where possible. However, this stretch of Blacktail Deer Creek is not considered critical habitat for any fish or wildlife species.

5b/5c The proposed project would have no impact on the diversity or abundance of game or non-game wildlife species. Common wildlife species whose habitat distribution overlaps the proposed Blacktail Meadows FAS include white-tailed and mule deer, beaver, badger, bald eagle, osprey, western meadowlark, sandhill crane, common merganser, common goldeneye, and great blue heron. Moose occasionally follow the Blacktail Deer Creek corridor into the area. Mountain lion and black bear have occasionally been reported in the area but are not common or encouraged given the close proximity to Dillon. A wide variety of resident and migratory bird species use or travel through the area on a seasonal basis, including a variety of raptors, waterfowl, and songbirds.

According to Matt Jaeger, FWP Region 3 Fisheries Biologist, and a review of FWP Fisheries Information System database, game fish found in Blacktail Deer Creek in the vicinity of Blacktail Meadows FAS include brook trout, brown trout, rainbow trout, and mountain whitefish. Common nongame species found in this reach include longnose sucker, white sucker, longnose dace, and mottled sculpin. Due to the small scale of the project, the project is unlikely to impact the fishery or aquatic habitat of Blacktail Deer Creek.

5f. A search of the MNHP element occurrence database indicates occurrences of bald eagle within the Proposed Action site. No other occurrences of federally ranked, or considered for ranking, animal or plant species have been found within the vicinity of the Blacktail Meadows FAS site. The search indicated that great blue heron, golden eagle, feruginous hawk, pygmy rabbit, little brown myotis, and hoary bat, Montana animal Species of Concern, have been observed on or near the Blacktail Meadows FAS site.

According to Craig Fager, FWP Region 3 Wildlife Biologist, and Claire Gower, FWP Region 3 Nongame Wildlife Biologist, the proposed project is unlikely to impact bald eagle. The nearest bald eagle nest is on the Beaverhead River over one mile from the FAS which is outside of the recommended 0.5-mile distance in the Montana Bald Eagle Management Plan, indicating the proposed project would have no effect on bald eagles. While bald eagles were officially delisted in 2007, the USFWS has jurisdiction protecting this species under the Bald and Golden Eagle Protection Act (BGEPA) and the Migratory Bird Treaty Act (MBTA). In addition, the proposed project is also unlikely to impact bald eagle as this species is accustomed to some level of disturbance in the area. The area surrounding the FAS has been highly disturbed by Swenson Way, Interstate 15 and the Interstate 15 interchange, nearby commercial and residential development, and historic nearby agricultural use for years. According to Claire Gower, the proposed project is also unlikely to impact great blue heron, golden eagle, ferruginous hawk, pygmy rabbit, hoary bat, and little brown myotis because the FAS does not provide habitat that would support these species.

According to Mike Ross, FWP Region 3 Wolf Biologist, Blacktail Meadows FAS is within the habitat of the gray wolf. Currently there are no radio-collared packs with a home range that overlaps the project area. While it is possible for wolves to travel through the project area, none have been recently sighted in the immediate area. The wolf population in Montana is strong, and wolves may pass through just about any area including this site. FWP has no concerns with this project impacting gray wolves.

5h. Three species listed as Threatened (LT), one listed as Proposed, and one listed as a Candidate by the USFWS are found in Beaverhead County, including grizzly bear (LT), Canada lynx (LT), and Ute ladies' tresses (LT), wolverine (P), and whitebark pine (C). These species would not be affected by the proposed project because neither the project site nor Blacktail Meadows FAS provide habitat for these species.

5i. The proposed project does not involve the export or introduction of non-native plant or animal species to the proposed project site or the area around it.

B. HUMAN ENVIRONMENT

6. NOISE/ELECTRICAL EFFECTS Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Increases in existing noise levels?			X		Yes	6a.
b. Exposure of people to serve or nuisance noise levels?			X		Yes	6b.
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				

6a. Construction equipment would cause a temporary, minor increase in noise levels at the project site. Any increase in noise level at the construction site would be short term and minor.

6b. Blacktail Meadows FAS is located within ¼ mile of the City of Dillon and is near numerous commercial and residential developments. The minor and temporary increase of noise levels during construction may be heard by nearby businesses, neighbors, and visitors, though this is an area already impacted by noise from highway traffic, commercial use, and residential use. The contractor would follow the guidelines of the good neighbor policy, all of which would mitigate increased noise levels and would limit construction to periods of low visitation to minimize disturbance to others.

7. LAND USE Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?			X		Yes Positive	7a.
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?			X		Yes Positive	7b.
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?		X				7d.

7a. Land use would not change at Blacktail Meadows FAS. Therefore, the proposed project would have no impact on the productivity or profitability of the FAS.

The proposed easement would allow for development of the adjacent 25-acre parcel of private property. The proposed development would include the beautification of abandoned and weedy agricultural land and the removal of a scrap yard along the Interstate 15 off-ramp.

7b. By accepting the donation of 1.15-acre parcel, including 465 feet of Blacktail Deer Creek frontage, FWP would protect this stretch of Blacktail Deer Creek and the associated riparian plant community from future development.

7d. The Proposed Action would have no adverse affect on nearby residences.

8. RISK/HEALTH HAZARDS Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?			X		Yes	8a.
b. Affect an existing emergency response or emergency evacuation plan, or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?			X		Yes	8c.
d. For P-R/D-J, will any chemical toxicants be used? (Also see 8a)			X		Yes	8d.

8a. Physical disturbance of the soil during construction would encourage the establishment of additional noxious weeds on the site. In conjunction with the Beaverhead County Weed District, the contractor would implement an integrated approach to control noxious weeds, as outlined in the FWP Statewide Integrated Noxious Weed Management Plan. The integrated plan uses a combination of biological, mechanical, and herbicidal treatments to control noxious weeds. The use of herbicides would be in compliance with application guidelines to minimize the risk of chemical spills or water contamination and applied by people trained in safe handling techniques.

There is a minor and temporary risk of fuel or oil from heavy equipment accidently being released into the flood plain during construction. Contractors would have absorbent materials on site to minimize any hydrocarbon releases as well as conduct startup inspection of all hydraulic lines and cylinder seals daily to reduce the potential for a release. The contractor would follow FWP BMP during all phases of construction to minimize risks *(Appendix D).*

8c. The proposed project could create a public safety hazard by allowing public traffic through the FAS. Every effort would be made to keep traffic speed at a safe level and to prevent the public from using the new access road as a short cut to downtown Dillon.

8d. The use of herbicides to control noxious weeds could result in temporary water contamination from an inadvertent spill. The use of herbicides would be in compliance with application guidelines, outlined in the FWP Statewide Integrated Noxious Weed Management Plan, to minimize this risk and would be applied by people trained in safe handling techniques.

9. COMMUNITY IMPACT Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?			X		X	9a.
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?			X		X Positive	9c.
d. Changes in industrial or commercial activity?			X		Yes Positive	9d.
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?			X		X	9e.

9a. The Proposed Action would allow for commercial and residential development of the adjacent property. Although the proposed project would slightly affect the Dillon population location, distribution, density, and growth rate, the overall impacts to the City of Dillon and Beaverhead County would be minor.

9c. The Proposed Action may improve recreational use of the area by increasing the accessibility of Blacktail Deer Creek. This would benefit local retail and service businesses *(Appendix C - Tourism Report).* The Proposed Action would also allow for commercial and residential development of the adjacent 25-acre parcel, which would improve employment opportunities and increase income to the community through various local and state taxes.

9d. There would be no change in commercial use of the FAS. However, the owners of the adjacent land plan to develop the 25-acre parcel with commercial and residential structures, improvements, and utilities. They also plan to purchase and reclaim the unsightly scrap metal yard next to the FAS, which would have a positive impact on the aesthetics, tax base, and public safety of the community.

9e. The Proposed Action would result in a new road and bridge crossing the FAS. Because the public would regularly use the road and bridge, this could create a safety hazard for visitors using the FAS. Various measures would be used to reduce vehicle speeds and to minimize the use of this road as a shortcut to downtown Dillon, including speed limits, speed bumps, and winding, indirect roads throughout the new development on the adjacent property.

The proposed acquisition of 465 feet of Blacktail Deer Creek frontage would give visitors, anglers, and floaters additional opportunity to access this stretch of Blacktail Deer Creek. The proposed project would increase recreational use of the site, so there could be a small increase in traffic on Swenson Way due to recreational use. Any impacts to traffic would be minor and concentrated on weekends during the peak season.

10. PUBLIC SERVICES/TAXES/UTILITIES Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:		X				10a.
b. Will the proposed action have an effect upon the local or state tax base and revenues?			X		X Positive	10b.
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?			X		X	10c.
d. Will the proposed action result in increased use of any energy source?			X		X	10d.
e. Define projected revenue sources		X				10e.
f. Define projected maintenance costs.		X				10f.

10a. The Proposed Action would have no impact on public services or utilities on the FAS. The Proposed Action would allow for the development of the adjacent 25-acre parcel, which would require new governmental services, including fire and police protection, roads, water and sewer service, and solid waste disposal.

10b. The Proposed Action would have no effect on the local and state tax base and local revenue from Blacktail Meadows FAS because FWP pays property taxes in an amount equal to that of a private individual. The Proposed Action would allow for the commercial and residential development of the adjacent property, which would increase state and local tax revenue.

10c/d. By providing access to the 25-acre parcel adjacent to Blacktail Meadows FAS, the Proposed Action would result in the need for new facilities, including electric power, natural gas, other fuel distribution, and communications services. The cost for additional facilities and utilities would be offset by increased tax revenue.

10e. Because Blacktail Meadows FAS would continue to be operated for day use only, no revenue would be generated from camping fees.

10f. Projected annual operating, maintenance, weed control, and personnel expense for fiscal year 2018 is estimated to total approximately $3,000 per year.

11. AESTHETICS/RECREATION Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?			X		Yes Positive	11a.
b. Alteration of the aesthetic character of a community or neighborhood?		X				11b.
c. Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report.)			X		Yes Positive	11c.
d. For P-R/D-J, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c.)		X				11d.

11a/b. By cleaning and developing the 25-acre weedy, abandoned field and the scrap metal yard, the Proposed Action would improve the aesthetic values of the area. Also, by acquiring the 465 additional feet of Blacktail Deer Creek frontage, the creek and associated riparian vegetation would be protected from future commercial or recreational development.

11c. The Proposed Action would improve recreational use of the area by increasing access to Blacktail Deer Creek. This could benefit local retail and service businesses *(Appendix C - Tourism Report).*

11d. No designated wild or scenic rivers, trails, or wilderness areas would be impacted by the proposed developments.

12. CULTURAL/HISTORICAL RESOURCES Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Destruction or alteration of any site, structure or object of prehistoric historic, or paleontological importance?		X				12a.
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a.)		X				12d.

12a/d. Prior to the commencement of construction, the contractor would contact the State Historic Preservation Office (SHPO) and seek a concurrence from SHPO on FWP recommendations for the project. If cultural materials are discovered during construction, work would cease and SHPO would be contacted for a more in-depth investigation.

SIGNIFICANCE CRITERIA

13. SUMMARY EVALUATION OF SIGNIFICANCE Will the proposed action, considered as a whole:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources that create a significant effect when considered together or in total.)		X				
b. Involve potential risks or adverse effects, which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		X				
f. For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e.)		X				13f.
g. For P-R/D-J, list any federal or state permits required.		X				13g.

During construction of the proposed project, there may be minor and temporary impacts to the physical environment, but the impacts would be short-term and the developments would benefit the community and recreational opportunities over the long-term. The Proposed Action would have no negative cumulative effects on the biological, physical, and human environments. When considered over the long-term, the Proposed Action positively impacts the public's recreational use of Blacktail Deer Creek and the Beaverhead River.

13f. The proposed project is designed to improve recreational facilities on the site and is not expected to generate organized opposition or substantial public controversy.

13g. The U.S. Army Corps of Engineer 404 Federal Clean Water Act is the only federal permit required for the proposed development. The Montana DEQ 318 Short Term Water Quality Standard for Turbidity and the FWP 124 Montana Stream Protection Act are the only state permits required for the proposed development. In addition, a Beaverhead County Floodplain permit would also be required.

PART III. NARRATIVE EVALUATION AND COMMENT

During construction of the proposed project, there may be minor and temporary impacts to the physical environment, but the impacts would be short term and the developments would benefit the community and recreational opportunities over the long term. The Proposed Action would have no negative cumulative effects on the biological, physical, and human environments. When considered over the long term, the Proposed Action positively impacts the public's recreational use of the Blacktail Deer Creek and the Beaverhead River.

The minor impacts to the environment that were identified in the previous section are small in scale and would not influence the overall environment of the immediate area. The natural environment would continue to provide habitat to transient and permanent wildlife species and would be open to the public for river access.

The Proposed Action would not impact the local wildlife species that frequent the property, and the project would be designed to avoid conditions that stress wildlife populations. This stretch of Blacktail Deer Creek is also not considered critical habitat for any fish or wildlife species.

Though bald eagle, golden eagle, great blue heron, Ferruginous hawk, pygmy rabbit, hoary bat, little brown myotis, Montana animal Species of Concern, have been observed in the vicinity of the proposed project site, the proposed project is unlikely to impact these species. These species are likely accustomed to disturbance from Interstate 15 and nearby commercial and residential development in the area for years. While it is possible for wolves to travel through the project area, none have been sighted and there is no pack located in the area so it is unlikely that the Proposed Action would impact gray wolves.

Soils disturbed during construction could colonize with weeds. Disturbed areas would be re-seeded with a native reclamation seed mix where to reduce the establishment of weeds. In conjunction with Beaverhead County Weed Control District, the contractor would implement the Statewide Integrated Weed Management Plan using chemical, biological and mechanical methods to control weeds on the property.

The proposed easement would result in the construction of a road across the FAS and a bridge across Blacktail Deer Creek which would allow for commercial and residential development of the adjacent 25-acre parcel. The development would require various services, such as electric and gas service, sewage and solid waste disposal, communication services, road maintenance, and police protection. The cost of these services would be offset by the increased tax revenue to the City of Dillon and Beaverhead County, improved recreational opportunities, and improved aesthetics.

The proposed acquisition of 1.15 acres, including 465 feet of Blacktail Deer Creek frontage, would provide additional access to Blacktail Deer Creek for fishing and floating in addition to improving recreational opportunities for picnicking, dog-walking, and wildlife viewing. The proposed project would also protect this stretch of Blacktail Deer Creek from future development. The proposed easement would allow for development of the adjacent 25 acres of private land thereby increasing the tax revenue to the City of Dillon and Beaverhead County, providing needed services, and improving the aesthetics of the area.

PART IV. PUBLIC PARTICIPATION

1. Public involvement:

The public will be notified in the following manners to comment on the Blacktail Meadows FAS Proposed Acquisition and Development Project, the Proposed Action and alternatives:

- Two public notices in each of these papers: *The Bozeman Chronicle, the Dillon Tribune, and the Helena Independent Record.*
- Public notice on the Fish, Wildlife & Parks web page: *http://fwp.mt.gov*.
- Draft EA's will be available at the FWP Region 3 Headquarters in Bozeman and the FWP State Headquarters in Helena.
- A news release will be prepared and distributed to a standard list of media outlets interested in FWP Region 3 issues.
- Copies of this environmental assessment will be distributed to neighboring landowners and interested parties to ensure their knowledge of the Proposed Action.

This level of public notice and participation is appropriate for a project of this scope having limited impacts, many of which can be mitigated.
If requested within the comment period, FWP will schedule and conduct a public meeting on this Proposed Action.

2. Duration of comment period:

The public comment period will extend for (30) thirty days. Written comments will be accepted until 5:00 p.m., April 23, 2018 and can be mailed to the addresses below:

Blacktail Meadows FAS Proposed Acquisition and Development Project
Montana Fish, Wildlife and Parks, Region 3
1400 South 19th Avenue
Bozeman, MT 59718
(406) 994-4042

PART V. EA PREPARATION

1. Based on the significance criteria evaluated in this EA, is an EIS required? NO If an EIS is not required, explain why the EA is the appropriate level of analysis for this Proposed Action.

Based on an evaluation of impacts to the physical and human environment under MEPA, this environmental review revealed no significant negative impacts from the Proposed Action: therefore, an EIS is not necessary and an environmental assessment is the appropriate level of analysis. In determining the significance of the impacts, FWP assessed the severity, duration, geographic extent, and frequency of the impact, the probability that the impact would occur or reasonable assurance that the impact would not occur. FWP assessed the growth-inducing or growth-inhibiting aspects of the impact, the importance to the state and to society of the environmental resource or value effected, any precedent that would be set as a result of an impact of the Proposed Action that would commit FWP to future actions; and potential conflicts with local, federal, or state laws. As this EA revealed no significant impacts from the Proposed Actions, an EA is the appropriate level of review and an EIS is not required.

2. Person(s) responsible for preparing the EA:

Ray Heagney
Region 3 Fishing Access Site Manager
1400 South 19th Avenue
Bozeman, MT 59718
rheagney@mt.gov
(406) 994-4042

Andrea Darling
FWP EA Contractor
39 Big Dipper Drive
Montana City, MT 59634
apdarling@gmail.com

3. List of agencies or offices consulted during preparation of the EA:

Montana Department of Commerce – Tourism
Montana Fish, Wildlife & Parks
- Design and Construction
  - Lands Unit
  - Legal Unit
- Fisheries Division
- Wildlife Division

Montana Natural Heritage Program – Natural Resources Information System (NRIS)
Montana State Historic Preservation Office

APPENDICES

A. MCA 23-1-110 Qualification Checklist
B. Environmental Summary Report - Montana Natural Heritage Program
C. Tourism Report – Department of Commerce
D. Montana Fish, Wildlife and Parks Best Management Practices

APPENDIX A

HB495 PROJECT QUALIFICATION CHECKLIST

Date: September 12, 2017 **Person Reviewing:** Andrea Darling

Project Location: Blacktail Meadows FAS is located on Blacktail Deer Creek off Interstate 90 on the north end of Dillon, Montana, in Beaverhead County, W1/2 Section 18, Township 7 South, Range 8 West

Description of Proposed Work: Montana Fish, Wildlife & Parks (FWP) proposes to grant a road easement through Blacktail Meadows FAS to provide access to adjacent private property located on the west side of Blacktail Deer Creek. In exchange for the road easement, the private landowner proposes to donate approximately 1.25 acres along Blacktail Deer Creek to FWP to provide additional legal access to the Creek from Blacktail Meadows FAS.

The following checklist is intended to be a guide for determining whether a proposed action or improvement is of enough significance to fall under 23-1-110 rules. (Please check all that apply and comment as necessary.)

[X] A. New roadway or trail built over undisturbed land?
Comments: A new roadway would be built over undeveloped land.

[ ] B. New building construction (buildings <100 sf and vault latrines exempt)?
Comments: No new construction.

[X] C. Any excavation of 20 c.y. or greater?
Comments: For the new roadway and bridge over Blacktail Deer Creek.

[ ] D. New parking lots built over undisturbed land or expansion of existing lot that increases parking capacity by 25% or more?
Comments: No new parking lot or parking capacity.

[ ] E. Any new shoreline alteration that exceeds a doublewide boat ramp or handicapped fishing station?
Comments: No shoreline alteration.

[ ] F. Any new construction into lakes, reservoirs, or streams?
Comments: No construction into the creek.

[ ] G. Any new construction in an area with National Registry quality cultural artifacts (as determined by State Historical Preservation Office)?
Comments: SHPO has been contacted. See Appendix E for SHPO concurrence.

[ ] H. Any new above ground utility lines?
Comments: No new utility lines.

[ ] I. Any increase or decrease in campsites of 25% or more of an existing number of campsites?
Comments: No campsites would be constructed.

[ ] J. Proposed project significantly changes the existing features or use pattern, including effects of a series of individual projects?
Comments: No. The Proposed Action would not affect existing features or use patterns.

If any of the above are checked, HB 495 rules apply to this proposed work and should be documented on the MEPA/HB495 CHECKLIST. Refer to MEPA/HB495 Cross Reference Summary for further assistance.

APPENDIX B

ENVIRONMENTAL SUMMARY REPORT
MONTANA NATURAL HERITAGE PROGRAM
Sensitive Plants and Animals in the Vicinity of
Blacktail Meadows Fishing Access Site

Species of Concern Terms and Definitions

A search of the Montana Natural Heritage Program (MNHP) element occurrence database (http://nris.mt.gov) indicates occurrences of bald eagle within the Proposed Action site. No other occurrences of federally ranked, or considered for ranking, animal or plant species have been found within the vicinity of the Blacktail Meadows FAS site. The search indicated that great blue heron, golden eagle, feruginous hawk, pygmy rabbit, little brown myotis, and hoary bat, Montana animal Species of Concern, have been observed on or near the Blacktail Meadows FAS site. No Montana plant Species of Concern have been observed in the vicinity of the Proposed Action site. More information on these species is included below.

Montana Species of Concern. The term **"Species of Concern"** includes taxa that are at-risk or potentially at-risk due to rarity, restricted distribution, habitat loss, and/or other factors. The term also encompasses species that have a special designation by organizations or land management agencies in Montana, including: Bureau of Land Management Special Status and Watch species; U.S. Forest Service Sensitive and Watch species; U.S. Fish and Wildlife Service Threatened, Endangered and Candidate species.

Status Ranks (Global and State)

The international network of Natural Heritage Programs employs a standardized ranking system to denote global (**G** -- range-wide) and state status (**S**) (Nature Serve 2003). Species are assigned numeric ranks ranging from 1 (critically imperiled) to 5 (demonstrably secure), reflecting the relative degree to which they are "at-risk". Rank definitions are given below. A number of factors are considered in assigning ranks -- the number, size and distribution of known "occurrences" or populations, population trends (if known), habitat sensitivity, and threat. Factors in a species' life history that make it especially vulnerable are also considered (e.g., dependence on a specific
Pollinator).

U.S. Fish and Wildlife Service (Endangered Species Act)- Terms and Definitions

LE. Listed endangered: Any species in danger of extinction throughout all or a significant portion of its range.

LT. Listed threatened: Any species likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

C. Candidate: Those taxa for which sufficient information on biological status and threats exists to propose to list them as threatened or endangered.

DM. Recovered, delisted, and being monitored - Any previously listed species that is now recovered, has been delisted, and is being monitored.

BGEPA. The Bald and Golden Eagle Protection Act of 1940 (BGEPA) prohibits anyone, without a permit issued by the Secretary of the Interior, from taking bald or golden eagles,

including their parts, nests, or eggs. The BGEPA provides criminal and civil penalties for persons who take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof.

MBTA. The Migratory Bird Treaty Act (MBTA) implements four treaties that provide for international protection of migratory birds. The statute's language is clear that actions resulting in a "taking" or possession (permanent or temporary) of a protected species is a violation of the MBTA.

BCC. Birds of Conservation Concern 2008. The 1988 amendment to the Fish and Wildlife Conservation Act mandates the U.S. Fish and Wildlife Service to identify species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become candidates for listing under the Endangered Species Act

Status Ranks	
Code	**Definition**
G1 S1	At high risk because of extremely limited and/or rapidly declining numbers, range, and/or habitat, making it highly vulnerable to global extinction or extirpation in the state.
G2 S2	At risk because of very limited and/or declining numbers, range, and/or habitat, making it vulnerable to global extinction or extirpation in the state.
G3 S3	Potentially at risk because of limited and/or declining numbers, range, and/or habitat, even though it may be abundant in some areas.
G4 S4	Uncommon but not rare (although it may be rare in parts of its range), and usually widespread. Apparently not vulnerable in most of its range, but possibly cause for long-term concern.
G5 S5	Common, widespread, and abundant (although it may be rare in parts of its range). Not vulnerable in most of its range.

MFWP Conservation Need. Under Montana's Comprehensive Fish and Wildlife Conservation Strategy of 2005, individual animal species are assigned levels of conservation need as follows:

Tier I. Greatest conservation need. Montana FWP has a clear obligation to use its resources to implement conservation actions that provide direct benefit to these species, communities and focus areas.

Tier II. Moderate conservation need. Montana FWP could use its resources to implement conservation actions that provide direct benefit to these species communities and focus areas.

Tier III. Lower conservation need. Although important to Montana's wildlife diversity, these species, communities and focus areas are either abundant or widespread or are believed to have adequate conservation already in place.

Tier IV. Species that are non-native, incidental or on the periphery of their range and are either expanding or very common in adjacent states.

SENSITIVE PLANTS AND ANIMALS IN THE VICINITY OF BLACKTAIL MEADOWS FISHING ACCESS SITE

1. Haliaeetus leucocephalus (Bald Eagle)

Montana Special Status Species

Vertebrate animal- Bird	*Habitat -Riparian Forests*
Natural Heritage Ranks	Federal Agency Status:
State: **S4**	U.S. Fish and Wildlife Service: **DM; BGEPA; MBTA; BCC10; BCC11, BCC17**
Global: **G5**	U.S. Forest Service: **Sensitive**
	U.S. Bureau of Land Management: **Sensitive**

Element Occurrence data was reported of bald eagle within the project area.

2. Aquila chrysaetos (Golden Eagle)

Montana Special Status Species

Vertebrate animal- Bird	*Habitat -Grasslands*
Natural Heritage Ranks	Federal Agency Status:
State: **S3**	U.S. Fish and Wildlife Service: **BGEPA; MBTA; BCC17**
Global: **G5**	U.S. Forest Service:
	U.S. Bureau of Land Management: **Sensitive**

Element Occurrence data was reported of golden eagle within the project area.

3. Ardea herodias (Great Blue Heron)

Montana Animal Species of Concern- Species Occurrences

Vertebrate animal- Bird	*Habitat –Riparian Forests*
Natural Heritage Ranks	Federal Agency Status:
State: **S3**	U.S. Fish and Wildlife Service:
Global: **G5**	U.S. Forest Service**:**
	U.S. Bureau of Land Management:

Element Occurrence data was reported of great blue heron within one mile of the project area.

4. Buteo regalis (Ferruginous Hawk)

Montana Animal Species of Concern- Observed

Vertebrate animal- Bird	*Habitat- Sagebrush Grasslands*
Natural Heritage Ranks	Federal Agency Status:
State: **S3B**	U.S. Fish and Wildlife Service: **MBTA; BCC10; BCC17**
Global: **G4**	U.S. Forest Service:
	U.S. Bureau of Land Management: **Sensitive**

Element Occurrence data was reported of Ferruginous hawk within two miles of the project area.

5. Brachylagus idahoensis (Pygmy Rabbit)

Montana Animal Species of Concern- Observed

Vertebrate animal- Mammal	*Habitat- Sagebrush Grasslands*
Natural Heritage Ranks	Federal Agency Status:
State: **S3**	U.S. Fish and Wildlife Service:

Global: **G4**

U.S. Forest Service**: Sensitive**
U.S. Bureau of Land Management: **Sensitive**

Element Occurrence data was reported of pygmy rabbit within one mile of the project area.

6. Laciurus cinereus **(Hoary Bat)**

Montana Animal Species of Concern- Observed
Vertebrate animal- Mammal
Habitat- Riparian and Forests

Natural Heritage Ranks
State: **S3**
Global: **G3G4**

Federal Agency Status:
U.S. Fish and Wildlife Service:
U.S. Forest Service**:**
U.S. Bureau of Land Management:

Element Occurrence data was reported of hoary bat within the project area.

7. Myotis lucifugus **(Little Brown Myotis)**

Montana Animal Species of Concern- Observed
Vertebrate animal- Mammal
Habitat- Sagebrush Generalist

Natural Heritage Ranks
State: **S3**
Global: **G3**

Federal Agency Status:
U.S. Fish and Wildlife Service:
U.S. Forest Service**:**
U.S. Bureau of Land Management:

Element Occurrence data was reported of little brown myotis within one mile of the project area.

APPENDIX C
TOURISM REPORT

MONTANA ENVIRONMENTAL POLICY ACT (MEPA) & MCA 23-1-110

The Montana Department of Fish, Wildlife and Parks has initiated the review process as mandated by MCA 23-1-110 and the Montana Environmental Policy Act in its consideration of the project described below. As part of the review process, input and comments are being solicited. Please complete the project name and project description portions and submit this form to:

Jan Stoddard, Visitor Services Manager
Travel Montana-Department of Commerce
301 S. Park Ave.
Helena, MT 59601

Project Name: Blacktail Meadows Fishing Access Site Proposed Easement and Acquisition

Project Description: Montana Fish, Wildlife & Parks (FWP) proposes to grant a road easement through Blacktail Meadows FAS to provide access to adjacent private property located on the west side of Blacktail Deer Creek. In exchange for the road easement, the private landowner proposes to donate approximately 1.15 acres in fee title along Blacktail Deer Creek to FWP to provide additional legal access to the Creek from Blacktail Meadows FAS.

1. Would this site development project have an impact on the tourism economy?
   NO **YES** If YES, briefly describe:

   Yes, as described, the project has the potential to positively impact the tourism and recreation industry economy if properly maintained. The opportunity to fish Montana waters and native Montana fish populations is marketed to destination visitors from around the world. Additionally, Montana's Marketing campaigns are specifically targeting destination family travel emphasizing outdoor activities. The close location to downtown Dillon provides easy access and the children's fishing pond meets the needs of destination families, as well as inbound state visitors. This project is an essential asset for Montana's outdoor recreation industry.

2. Does this impending improvement alter the quality or quantity of recreation/tourism opportunities and settings?
   NO **YES** If YES, briefly describe

   Yes, as described, the project has the potential to improve quality and quantity of tourism and recreational opportunities if properly maintained. We are assuming the agency has determined it has necessary funding for the on-going operations and maintenance once this project is complete.

Signature Jan Stoddard Date: 9/15/17

APPENDIX D
MONTANA FISH, WILDLIFE AND PARKS
BEST MANAGEMENT PRACTICES
10-02-02
Updated May 1, 2008

I. ROADS

A. Road Planning and location

1. Minimize the number of roads constructed at the FAS through comprehensive road planning, recognizing foreseeable future uses.
    a. Use existing roads, unless use of such roads would cause or aggravate an erosion problem.
2. Fit the road to the topography by locating roads on natural benches and following natural contours. Avoid long, steep road grades and narrow canyons.
3. Locate roads on stable geology, including well-drained soils and rock formations that tend to dip into the slope. Avoid slumps and slide-prone areas characterized by steep slopes, highly weathered bedrock, clay beds, concave slopes, hummocky topography, and rock layers that dip parallel to the slope. Avoid wet areas, including seeps, wetlands, wet meadows, and natural drainage channels.
4. Minimize the number of stream crossings.
    a. Choose stable stream crossing sites. "Stable" refers to streambanks with erosion-resistant materials and in hydrologically safe spots.

B. <u>Road Design</u>

1. Design roads to the minimum standard necessary to accommodate anticipated use and equipment. The need for higher engineering standards can be alleviated through proper road-use management. "Standard" refers to road width.
2. Design roads to minimize disruption of natural drainage patterns. Vary road grades to reduce concentrated flow in road drainage ditches, culverts, and on fill slopes and road surfaces.

C. <u>Drainage from Road Surface</u>

1. Provide adequate drainage from the surface of all permanent and temporary roads. Use outsloped, insloped or crowned roads, installing proper drainage features. Space road drainage features so peak flow on road surface or in ditches will not exceed their capacity.
    a. Outsloped roads provide means of dispersing water in a low-energy flow from the road surface. Outsloped roads are appropriate when fill slopes are stable, drainage will not flow directly into stream channels, and transportation safety can be met.
    b. For insloped roads, plan ditch gradients steep enough, generally greater than 2%, but less than 8%, to prevent sediment deposition and ditch erosion. The steeper gradients may be suitable for more stable soils; use the lower gradients for less stable soils.
    c. Design and install road surface drainage features at adequate spacing to control erosion; steeper gradients require more frequent drainage features.

Properly constructed drain dips can be an economical method of road surface drainage. Construct drain dips deep enough into the sub-grade so that traffic will not obliterate them.

2. For ditch relief/culverts, construct stable catch basins at stable angles. Protect the inflow end of cross-drain culverts from plugging and armor if in erodible soil. Skewing ditch relief culverts 20 to 30 degrees toward the inflow from the ditch will improve inlet efficiency.
3. Provide energy dissipators (rock piles, slash, log chunks, etc.) where necessary to reduce erosion at outlet of drainage features. Cross-drains, culverts, water bars, dips, and other drainage structures should not discharge onto erodible soils or fill slopes without outfall protection.
4. Route road drainage through adequate filtration zones, or other sediment-settling structures. Install road drainage features above stream crossings to route discharge into filtration zones before entering a stream.

D. Construction/Reconstruction

1. Stabilize erodible, exposed soils by seeding, compacting, riprapping, benching, mulching, or other suitable means.
2. At the toe of potentially erodible fill slopes, particularly near stream channels, pile slash in a row parallel to the road to trap sediment. When done concurrently with road construction, this is one method to effectively control sediment movement and it also provides an economical way of disposing of roadway slash. Limit the height, width and length of these "slash filter windrows" so not to impede wildlife movement. Sediment fabric fences or other methods may be used if effective.
3. Construct cut and fill slopes at stable angles to prevent sloughing and subsequent erosion.
4. Avoid incorporating potentially unstable woody debris in the fill portion of the road prism. Where possible, leave existing rooted trees or shrubs at the toe of the fill slope to stabilize the fill.
5. Place debris, overburden, and other waste materials associated with construction and maintenance activities in a location to avoid entry into streams. Include these waste areas in soil stabilization planning for the road.
6. When using existing roads, reconstruct only to the extent necessary to provide adequate drainage and safety; avoid disturbing stable road surfaces. Consider abandoning existing roads when their use would aggravate erosion.

E. Road Maintenance

1. Grade road surfaces only as often as necessary to maintain a stable running surface and to retain the original surface drainage.
2. Maintain erosion control features through periodic inspection and maintenance, including cleaning dips and cross-drains, repairing ditches, marking culvert inlets to aid in location, and clearing debris from culverts.
3. Avoid cutting the toe of cut slopes when grading roads, pulling ditches, or plowing snow.
4. Avoid using roads during wet periods if such use would likely damage the road

drainage features. Consider gates, barricades or signs to limit use of roads during wet periods.

II. RECREATIONAL FACILITIES (parking areas, campsites, trails, ramps, restrooms)

A. Site Design

1. Design a site that best fits the topography, soil type, and stream character, while minimizing soil disturbance and economically accomplishing recreational objectives. Keep roads and parking lots at least 50 feet from water; if closer, mitigate with vegetative buffers as necessary.
2. Locate foot trails to avoid concentrating runoff and provide breaks in grade as needed. Locate trails and parking areas away from natural drainage systems and divert runoff to stable areas. Limit the grade of trails on unstable, saturated, highly erosive, or easily compacted soils
3. Scale the number of boat ramps, campsites, parking areas, bathroom facilities, etc. to be commensurate with existing and anticipated needs. Facilities should not invite such use that natural features will be degraded.
4. Provide adequate barriers to minimize off-road vehicle use

B. Maintenance: Soil Disturbance and Drainage

1. Maintenance operations minimize soil disturbance around parking lots, swimming areas and campsites, through proper placement and dispersal of such facilities or by reseeding disturbed ground. Drainage from such facilities should be promoted through proper grading.
2. Maintain adequate drainage for ramps by keeping side drains functional or by maintaining drainage of road surface above ramps or by crowning (on natural surfaces).
3. Maintain adequate drainage for trails. Use mitigating measures, such as water bars, wood chips, and grass seeding, to reduce erosion on trails.
4. When roads are abandoned during reconstruction or to implement site-control, they must be reseeded and provided with adequate drainage so that periodic maintenance is not required.

III. RAMPS AND STREAM CROSSINGS

A. Legal Requirements

1. Relevant permits must be obtained prior to building bridges across streams or boat ramps. Such permits include the SPA 124 permit, the COE 404 permit, and the DNRC Floodplain Development Permit.

B. Design Considerations

1. Placement of boat ramp should be such that boats can load and unload with out difficulty and the notch in the bank where the ramp was placed does not encourage bank erosion. Extensions of boat ramps beyond the natural bank can also encourage erosion.
2. Adjust the road grade or provide drainage features (e.g. rubber flaps) to reduce the concentration of road drainage to stream crossings and boat ramps. Direct drainage flow through an adequate filtration zone and away from the ramp or

crossing through the use of gravel side-drains, crowning (on natural surfaces) or 30-degree angled grooves on concrete ramps.

3. Avoid unimproved stream crossings on permanent streams. On ephemeral streams, when a culvert or bridge is not feasible, locate drive-throughs on a stable, rocky portion of the stream channel.
4. Unimproved (non-concrete) ramps should only be used when the native soils are sufficiently gravelly or rocky to withstand the use at the site and to resist erosion.

C. Installation of Stream Crossings and Ramps

1. Minimize stream channel disturbances and related sediment problems during construction of road and installation of stream crossing structures. Do not place erodible material into stream channels. Remove stockpiled material from high water zones. Locate temporary construction bypass roads in locations where the stream course will have a minimal disturbance. Time the construction activities to protect fisheries and water quality.
2. Where ramps enter the stream channel, they should follow the natural streambed in order to avoid changing stream hydraulics and to optimize use of boat trailers.
3. Use culverts with a minimum diameter of 15 inches for permanent stream crossings and cross drains. Proper sizing of culverts may dictate a larger pipe and should be based on a 50-year flow recurrence interval. Install culverts to conform to the natural streambed and slope on all perennial streams and on intermittent streams that support fish or that provide seasonal fish passage. Place culverts slightly below normal stream grade to avoid culvert outfall barriers. Do not alter stream channels upstream from culverts, unless necessary to protect fill or to prevent culvert blockage. Armor the inlet and/or outlet with rock or other suitable material where needed.
4. Prevent erosion of boat ramps and the affected streambank through proper placement (so as to not catch the stream current) and hardening (riprap or erosion resistant woody vegetation).
5. Maintain a 1-foot minimum cover for culverts 18-36 inches in diameter, and a cover of one-third diameter for larger culverts to prevent crushing by traffic.